

*Application Serial No. 10/624,090**PATENT***REMARKS**

Claims 2-14, 16-22 and 25-43 were rejected in the Office action dated June 17, 2005.¹ Claim 4 has been cancelled and rewritten as new claim 44. Thus, the claims presented for reconsideration are 2,3, 5-14, 16-22, and 25-44.

All of the pending claims were rejected as being anticipated by Fichou, either alone (under 35 U.S.C. §102(b)) or in combination with Wang et al. (under 35 U.S.C. §103). Applicants respectfully traverse the rejection of all of the claims on at least the ground that Fichou does not disclose a "traffic descriptor" of the type set forth in the claims, and does not use the traffic descriptor as part of a profile for an application that runs on a network.

Beginning in column 5, at line 36, Fichou et al. describe an ATM network that sets up a connection for call and reserves resources. Specifically, an access node reserves bandwidth for "very bursty traffic according to a connection specified quality of service, and polices the traffic according to traffic parameter and tolerance values declared at the connection setup. for it based an algorithm that uses certain traffic parameters." Col. 4, lines 44-49. They define the various "traffic parameters" that are used in controlling cell flow in ATM networks and explain that that these parameters are declared for a particular ATM connection. These declarations are called "Traffic Descriptors." They state, "Standards have defined six ways to declare traffic parameters, i.e. six Traffic Descriptors, for an ATM connection (for more clarity, the Traffic Descriptors have been renumbered TD1 to TD6 in the present application." Col. 6, lines 32-35. They go on to state that these six ATM traffic descriptors contain only the following parameters: Peak Cell Rate (PCR); Cell Delay Variation Tolerance (CDVT); Burst Tolerance (BT) and Sustainable Cell Rate (SCR). See col. 6, line 37, to col. 7, line 58. In sum, the Traffic Descriptors specify the quality of service for an ATM connection.

The "traffic descriptor" used in the specification and claims of the present application does not pertain to ATM traffic and does not specify a quality of service treatment. Rather, it describes packets from an application that will be sent over a packet network, so that the flow of packets can be identified by network elements configured using at least in part this information. In an example of the preferred embodiment of the invention, the traffic

¹Please note that the Office action states that claim 1 was presented for examination, even though it also acknowledged that claim 1 had been cancelled.

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service. In an example of the preferred embodiment of the invention, the traffic descriptor and a specified service level is used to generate configurations for devices on the network, so that the devices treat (or don't treat) the packets according to the service levels. The specification explains that a "traffic descriptor" is a Boolean expression of network primitives. Examples of these network primitives include protocol, source and destination addresses, source and destination ports, IP precedence value and IP type of service value. See paragraph [0027]. In IP networks, this information is typically found in each packet. This identifying information can be used by, for example, a router to treat packets different, with different levels of services. What level of service is given to the packet depends on service level specified when the configuration data is generated and downloaded to the router. The Boolean expressions of network primitives identify the traffic, not the service level. The network primitives are thus not parameters of traffic flow, as in Fichou et al.

To make this clear, claim 4 has been rewritten as claim 44, and independent claims 25, 34, 41. Each of these claims have been revised to explain that the primitive network predicates are used to identify traffic.

Thus, it is submitted that Fichou cannot anticipate any of the claims as amended, or be combined with Wang et al to render them obvious, for the reason that these reference do not teach or suggest use of traffic descriptors that identify the traffic. Withdrawal of the rejection of all the pending claims is respectfully requested.

Applicants respectfully reserve the right to address other errors in the rejections at a later time, if necessary.


Claims 27 and 38 have been amended to correct informalities noted by the examiner. Claim 27 has been amended to delete a repeated phrase, and for no other reason. Claim 38 has been amended to depend on claim 37 rather than claim 39. Claims depending directly from claim 4 have been amended to depend from claim 44.

CONCLUSION

Applicant respectfully requests reconsideration and allowance of the application in view of the foregoing amendments and remarks. Please telephone the undersigned representative should he be of any assistance in connection with the reconsideration. Please treat this paper as a request for extension of time if filed after a shortened statutory period of response or date set in the Office action to which it responds.

In the event that any fees are due with respect to the filing of this paper, the Commissioner is hereby authorized to charged Deposit Account No. 13-4900 of Munsch Hardt Kopf & Harr, P.C., referencing Attorney Docket No. 5022.5-1.

Respectfully submitted,


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